

REMARKS

The present amendment is submitted in response to the Office Action dated October 14, 2003, which set a three-month period for response, making this amendment due by January 14, 2004.

Claims 1-18 are pending in this application, with withdrawal from consideration of claims 3-14, as a result of an election requirement.

In the Office Action, the election requirement, which was traversed in the Applicants' election filed August 8, 2003, was made final. Claims 3-14 were objected to under 37 CFR 1.75(c) as being in improper form. Claims 1 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Williams. Claims 1-2 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,240,129 to Broecker.

In the present amendment, claims 3-14 have been amended to correct the objected-to improper multiple claim dependencies.

With regard to the substantive rejections, the Applicants again respectfully disagree with the rejection of claims 1 and 16 under Section 102 as being anticipated by Williams. As previously argued, the patent to Williams fails to disclose a valve with an actuator. In particular, Williams fails to disclose an "actuator with a moveable lifting rod, one end of which opens into the actuator". The reference does not disclose any actuator openable for the lifting rod of the valve.

In the text of the Williams patent cited by the Examiner, column 2, lines 42-46, it is merely stated that the connecting piece 11 preferably has threading on its outer side, on which a valve cap, or a "conventional inflating coupling", can be screwed. This portion of the Williams patent makes no mention of an actuator, in particular, an actuator which forms a unit with the valve, in which the lifting rod of the valve opens into the actuator.

Valves like those described in Williams are typically used as air valves for motor vehicle tires. These valves are self actuated by air pressure. An actuator connected with the valve is simply not provided with such valves based on structure considerations. In contrast to the valve defined in claim 1 of the present application, the Williams valve has no actuator at all. It must once again be emphasized that pending claim 1 defines a valve with a lifting rod, whose end opens into an actuator 53. Such a valve is neither disclosed nor suggested by Williams.

Because Williams fails to disclose this feature of claim 1, Williams cannot be viewed as anticipatory of the present invention as defined in claim 1. To sustain a rejection under Section 102, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

The inventive concept of the present invention relates to structuring the combination of the valve member and valve seat in a manner, such that the valve member can be pressed through the valve seat upon assembly, and

subsequently, the valve member or the valve seat again can assume its original form and function. All of the embodiments described in the present application are based on a common technical feature, that is, to provide a relative elasticity between the valve member and the valve seat. This can be realized, by way of example, by an elastic valve seat, with a rigid valve member, or also by an elastic valve member with a rigid valve seat.

In addition, the patent to Broecker fails to disclose a valve with a moveable lifting rod, whose end opens into an actuator 53. The "plug 22" of Broecker does not operate as an actuator in the sense of the present invention. Thus, because Broecker also does not disclose a critical feature as defined in the rejected claims, Broecker cannot be viewed as anticipatory of the present invention. A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 1d 1550, 1553 (Fed. Cir. 1997).

Also in this amendment, the Applicants have added new claims 17 and 18. Claim 17 combines the features of claims 1, 10, and 14, and relates to an electromagnetically actuated valve for the water-associated control of a circuit of a heating or cooling assembly. Claim 18 includes the features of claim 15, but likewise defines the electromagnetically actuated valve for the water-associated control of a circuit of a heating or cooling assembly.

For the reasons set forth above, the Applicants respectfully submit that claims 1-18 are patentable over the cited references. The Applicants further

request withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700